

JANUARY 25, 2005

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January 25, 2005 LB 430

SENATOR CUDABACK PRESIDING

SENATOR CUDABACK: Good morning. Welcome to the George W. Norris Legislative Chamber. Our acting chaplain this morning is Senator Price from District 26. Senator Price.

SENATOR PRICE: (Prayer offered.)

SENATOR CUDABACK: Thank you, Senator Price, for doing that for us. We appreciate it. I call the fourteenth day of the Ninety-Ninth Legislature, First Session, to order. Senators, please check in. Record please, Mr. Clerk.

CLERK: I have a quorum present, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Any corrections for the Journal?

CLERK: (Read corrections, Legislative Journal page 349.) That's all that I had, Mr. President.

SENATOR CUDABACK: Any reports, messages, or announcements?

CLERK: Mr. President, I have a series of hearing notices from the Health and Human Services Committee, those signed by Senator Jensen; and from the Revenue Committee, those signed by Senator Landis; and from Urban Affairs, signed by Senator Friend. An amendment to be printed, Senator Cornett, an amendment to LB 430. That's all that I had, Mr. President. (Legislative Journal pages 349-354.)

SENATOR CUDABACK: Okay. Thank you, Mr. Clerk. Speaker Brashear, you are recognized to speak and for an introduction, please.

SPEAKER BRASHEAR: Thank you, Mr. President. Members of the body, if I could have your attention, please, we are honored this morning and it is my privilege to present to you the President of this Legislature, the new Lieutenant Governor of the state of Nebraska, Lieutenant Governor Sheehy. He is here below the balcony. I would invite you to welcome him and to

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come back and greet him and get to know him. Thank you.

SENATOR CUDABACK: Thank you very much, Speaker Brashea.. Mr. Clerk, agenda item, legislative confirmation reports.

CLERK: Mr. President, on the confirmation report offered by the Retirement Systems Committee, found on page 327 of the Journal.

SENATOR CUDABACK: Senator Stuhr, you're recognized, as Chairperson of Retirement Committee, to open on your report.

SENATOR STUHR: Good morning, Mr. President and members of the Legislature. The Nebraska Retirement Systems Committee recently held three confirmation hearings on January 19, 2005, with regard to the Nebraska Public Employees Retirement Board. The first conferee recommended by the committee is Mr. Denis Blank. He has been reappointed by the Governor to serve a five-year term on the board. Mr. Blank is currently employed as chief administrator for the Nebraska Department of Agriculture, and has been with the department since 1971. We appreciate Mr. Blank's commitment to public service, and ask for your support in his reconfirmation to the Public Employees Retirement Board. The second conferee recommended by the committee is for Mr. Glenn Elwell. He has been appointed by the Governor to serve a five-year term on the Public Employees Retirement Board. Mr. Elwell is currently employed with the Nebraska State Patrol, and has been with the agency for the past 18 years. He indicated in his hearing that he has been reviewing retirement law in preparation to serve on the board, and intends a high level of oversight to ensure that the retirement system functions properly. The committee asks for your support for Mr. Elwell's confirmation to the Public Employees Retirement Board. Finally, the third conferee recommended by the committee is Mr. Mark Shepard. He has been appointed by the Governor to serve a five-year term on the Public Employees Retirement Board. Mark Shepard is the executive director for business and operations with the Fremont Public Schools. He has been with the Fremont school system since 1995. He indicated in his hearing that he intends to maintain the integrity of the board and will properly exercise his fiduciary duty with all of the retirement systems administered by the board. The committee

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asks for your support for Mr. Shepard's confirmation to the Public Employees Retirement Board. The committee recommends these three outstanding individuals to the Public Employees Retirement Board, and asks for your support for their confirmation. Thank you.

SENATOR CUDABACK: Thank you, Senator Stuhr. You've heard the opening on the confirmation report offered by the Health...or the Retirement Systems Committee. Open for discussion on that report. Anybody wishing to discuss the report offered by the Retirement Committee? Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback and members of the Legislature. I would like to echo the accolades that Senator Stuhr brought to you on Mr. Mark Shepard. I've known Mr. Shepard for quite some time now. He has done an excellent job administrating the duties of the Fremont Public School system. I don't believe there could have been a better choice, especially from...in the area that I represent, to be on that retirement committee; very knowledgeable young man. Thank you.

SENATOR CUDABACK: Thank you, Senator Janssen. Any further discussion on the confirmation report of Retirement Committee? Seeing no lights on, Senator Stuhr, did you wish to close? She waives the opportunity to close. The question before the body is adoption of the confirmation report offered by the Retirement Committee. All in favor vote aye; opposed, nay. The question before the body is adoption of the confirmation report offered by the Retirement Committee. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 354-355.) 36 ayes, 0 nays on the adoption of the report, Mr. President.

SENATOR CUDABACK: Report has been adopted. Now go to...Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next report is offered by the Health and Human Services Committee. That's found in the Journal on page 327.

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SENATOR CUDABACK: Thank you. Senator Byars, as Vice Chairman of the committee, you're recognized to open.

SENATOR BYARS: Thank you, Senator Cudaback, members. Health and Human Services Committee is reporting favorably upon three nominations from the Governor. The committee obviously suggests that these appointments be confirmed. Our first recommendation, Dr. Richard Raymond, who is appointed by Governor Johanns as the director of the Department of Health and Human Services, Regulation and Licensure. Dr. Raymond has been the...a member of the Policy Cabinet at the Department of Health and Human Services for...since 1999. He has been reassigned positions as the director of Department of Health and Human Services, Regulation and Licensure, but is quite well known to all of us. The second nominee is Richard P. Nelson, who has been appointed by Governor Johanns as the director of the Department of Health and Human Services, Finance and Support. Again, Mr. Nelson served in another position. He served as the director of Department of Health and Human Services, Regulation and Licensure, also since 1999, and assumes this as a new position. Our newest nominee is Richard N. DeLiberty, who was appointed by the Governor as the administrator of the Division of Behavioral Health Services within the Department of Health and Human Services, and comes to us from Carmel, Indiana; has been a leader in public policy, healthcare, and nonprofit management. He's been a change agent, responsible for numerous reforms in the Indiana Division of Mental Health; cut populations in state hospitals; increased state and federal matching dollars allocated to community services; worked with a variety of constituencies, including civic committees, boards, and both legislative and advocacy groups to ensure quality of life improvements for individuals with mental disabilities. And, Senator Cudaback, I would recommend the favorable approval of Richard Raymond, Richard P. Nelson, and Richard DeLiberty.

SENATOR CUDABACK: Thank you, Senator Byars. You've heard the opening on the confirmation report offered by the Health and Human Services Committee. Open for discussion on that motion. Anybody wishing to speak to the confirmation report by Health and Human Services Committee? Seeing no lights on, Senator

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Byars, did you wish to close on the...he waives closing. Senator Kremer, did you wish to address? Thank you, Senator Kremer. The question before the body is adoption of the confirmation report offered by the Health and Human Services Committee. All in favor of the motion vote aye; those opposed, nay. Question before the body is the confirmation report offered by the Health and Human Services Committee. Have you all voted on the question who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 355-356.)
32 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: The confirmation report has been adopted. Mr. Clerk.

CLERK: Mr. President, the third report, offered by Natural Resources, involves the appointments of Charles "Tod" Brodersen and James Jenkins. That's found on page 327 of the Journal.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Schrock, as Chairman of the Natural Resources Committee, you're recognized to open on that report.

SENATOR SCHROCK: Mr. President, on January 20, the Natural Resources Committee held a confirmation hearing for Tod Brodersen and Jim Jenkins to the Ethanol Board. Tod Brodersen is a reappointment to the board. He's from Hastings, Nebraska. He has already served one four-year term, and he represents the petroleum industry and he also is a petroleum marketer, has a service station in the Hastings...in the town of Hastings. Tod received his Grassroots Award from the American Coalition for Ethanol. The second one is a new appointee to serve out a remaining one-year term for James Ziebarth. This is Jim Jenkins from Callaway. He is well noted for his restaurant operations. He's a rancher and he has served as the executive director, Nebraska Corn-Fed Beef Incorporated. His memberships include the Nebraska Restaurant Association, Nebraska Co-op Development Commission, the Nebraska Grazing Land Coalition, and is a member of the President's Advisory Committee for the University of

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Nebraska. He is going to represent the corn producers on the Ethanol Board. He will be replacing James Ziebarth, who has stepped down to accept an appointment to the Game and Parks Commission. The committee vote was 7 to 0 for both candidates; 1 abstaining because he was absent. So, with that, I would recommend the approval of Tod Brodersen and Jim Jenkins to the full Legislature.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on the confirmation report offered by the Natural Resources Committee. Open for discussion on that report. Anybody wishing to speak to the confirmation report? Seeing no lights on, Senator Schrock, did you wish to close on your report? He waives closing. The question before the body is adoption of the confirmation report offered by the Natural Resources Committee. All in favor vote aye; opposed, nay. The question before the body is adoption of the confirmation report offered by the Natural Resources Committee. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 356.) 32 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR CUDABACK: Report has been adopted. Mr. Clerk, items for the record?

CLERK: Thank you, Mr. Clerk. I have a hearing notice from Transportation, Telecommunications. I have confirmation hearing reports from the Natural Resources Committee, Retirement Systems Committee. Your Committee on Transportation reports LB 76 to General File. Your Committee on Natural Resources reports LB 94 to General File; LB 298, General File; LB 335, General File; LR 8CA to General File; LB 121 to General File with amendments; all those reports signed by their respective Chairs. That's all that I had, Mr. President. (Legislative Journal pages 356-358.)

SENATOR CUDABACK: Thank you, Mr. Clerk. We now go to General File. Mr. Clerk.

CLERK: Mr. President, LB 1, introduced by Senator Engel, as

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Chairperson of the Executive Board. (Read title.)

SENATOR CUDABACK: Senator Engel, as Chairman of Exec Board, you're recognized to open on LB 1.

SENATOR ENGEL: Mr. President, this is a summary of LB 1. I think Patrick gave you most of it, but this bill would repeal a section relating to a duty of the Department of Motor Vehicles to prepare a report relating to Department of Motor Vehicle titling and registration computer system. The most recent report was to be made on July 1 of 1995. As this date has passed, this section is no longer needed. The bill would also delete obsolete provisions in a number of motor vehicle operators licensing sections. And that's the extent of it. I'd appreciate your approval.

SENATOR CUDABACK: Thank you, Senator Engel. You heard the opening on LB 1 offered by the Exec Board. Open for discussion on that motion. No lights are on. Senator Engel, you're recognized to close if you care to. He waives closing. The question before the body is passage of LB 1. All in favor vote aye; opposed, nay. Have you all voted who wish to? Record please, Mr. Clerk.

ASSISTANT CLERK: 36 ayes, 0 nays on the motion to advance the bill, Mr. President.

SENATOR CUDABACK: LB 1 does advance. Mr. Clerk, next LB.

ASSISTANT CLERK: Mr. President, LB 2 was introduced by Senator Engel, as Chair of the board. (Read title.) The bill was read for the first time on January 6; reported directly to General File.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Engel, you're recognized to open, as Chairperson of the Exec Board.

SENATOR ENGEL: Mr. President, LB 2, this bill would correct an internal reference. The prior reference included sections that have been repealed, and this would eliminate those references. I would ask for your approval.

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SENATOR CUDABACK: Thank you, Senator Engel. Open for discussion on the motion. Seeing no lights on, Senator Engel, did you wish to close? He waives closing. The question before the body is advancement of LB 2 to E & R Initial. All in favor vote aye; opposed, nay. The question before the body is advancement of LB 2 to E & R Initial. Record please, Mr. Clerk.

ASSISTANT CLERK: 37 ayes, 0 nays on the motion to advance, Mr. President.

SENATOR CUDABACK: LB 2 does advance. Mr. Clerk, LB 3.

ASSISTANT CLERK: LB 3 was introduced by Senator Engel, as Chair of the board. (Read title.) Bill was read for the first time on January 6; reported directly to General File, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Engel, as Chairperson of Exec Board, you're recognized to open on LB 3.

SENATOR ENGEL: Mr. President, this bill would remove a sentence from one statute that the Supreme Court held to be unconstitutional. This will help people who are reading the statutes to know the law. And again, I'd like to ask for your approval.

SENATOR CUDABACK: Thank you, Senator Engel. You've heard the opening on LB 3. Open for discussion on that motion. Senator Chambers.

SENATOR CHAMBERS: Mr. President, I'm rising for a point of personal privilege that relates to the Legislature. May I speak?

SENATOR CUDABACK: You're recognized.

SENATOR CHAMBERS: I was given a copy of a letter, and this is the first that I've seen of it, dated January 24, 2005, from the Attorney General to all members of the Legislature, and I'll go ahead and read it into the record: Requests for information on Initiative 300. It has come to the attention of the Attorney

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General's Office that various state senators are receiving requests for information on Initiative 300, the anti-corporate-farming law cited as Article XII, Section 8, of the Nebraska Constitution. There are currently two lawsuits on file with the United States District Court for the District of Nebraska challenging the constitutionality of Initiative 300. These cases include...then it gives the names of the cases. As there is ongoing litigation regarding Initiative 300, it is essential that any information requests received by your office be forwarded to the Attorney General's Office for review. If you have any questions regarding the above, please contact the undersigned. Sincerely, Jon Bruning, Attorney General; David D. Cookson, Justin D. Lavene, Assistant Attorneys General. I don't know if this is a letter saying that if a senator wants some assistance in responding, or if it's a directive to turn information over to the Attorney General's Office. As the elder member of the Legislature, sometimes I feel a responsibility to make comments about things for clarifying purposes. In the Nebraska statutes, at Section 84-712.05 subdivision (11), there is a provision that, when it comes to the correspondence and memoranda of legislators, that is withheld by you, and you release it based on how you feel about releasing it, but nobody can make you release any of that information. So if any of you receive any letters, you have any memoranda in connection with what is going on in your office and the duties you discharge, from whomever the letters come, whoever originated the memoranda, those are not accessible to anybody unless you choose to release them. So if there are any of you who receive this type of information requests, you can give it to the Attorney General, if you want to, but you don't have to. Thank you, Mr. President. I just wanted to make that clear for the record.

SENATOR CUDABACK: Thank you, Senator Chambers. We're open for discussion on advancement of LB 3. Further lights. Senator Louden.

SENATOR LOUDEN: Thank you, Senator Cudaback and members of the Legislature. I think LB 3, this is something that we're trying to incorporate in some of our private enterprises for farmers and ranchers that want to do ag-related tourism, and this is continuing about the question of who's liable and where the

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liability should be, should be presented. LB 3, I think, is a step probably in the right direction. And as we progress through the course of our legislative duties this year, we will be bringing up some questions on the liability concerns for private individuals that own property out in areas that are willing to let people come on their land and hunt, fish, or use it for hiking or other recreational purposes. And so I think this is all something that will work together and when we get ready to bring up some of the bills later on and those purposes, I certainly would encourage you to remember what we are doing for the public school systems and the public systems in the state of Nebraska. What's good for the...works for the public owned land I think should also be the same criteria we use for privately owned land that is being used for recreational purposes. With that, I certainly agree that this is a bill that I would certainly vote for. Thank you.

SENATOR CUDABACK: Thank you, Senator Loudon. Further discussion on advancement of LB 3? Seeing no lights on, Senator Engel, do you wish to close? He waives closing. The question before the body is advancement of LB 3 to E & R Initial. All in favor vote aye; opposed, nay. The question before the body is advancement of LB 3 to E & R Initial. Have you all voted who care to? Record please, Mr. Clerk.

ASSISTANT CLERK: 33 ayes, 0 nays on the motion to advance, Mr. President.

SENATOR CUDABACK: LB 3 does advance. (Doctor of the day introduced.) Now we go on to General File. Mr. Clerk.

ASSISTANT CLERK: Mr. President, LB 80 was introduced by Senator Baker. (Read title.) The bill was read for the first time on January 6; referred to the Transportation, Telecommunications Committee. That committee reports the bill to General File with no committee amendments.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Baker, you're recognized to open on advancement of LB 80.

SENATOR BAKER: Thank you, Mr. President, members of the

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Legislature. LB 80 is a bill that provides uniformity of speeds on school buses. Currently, the state restricts school buses to 55 miles per hour on state highways and so on, and there's a differential speed limit set up on school buses for other roads, clear down to 40 miles an hour on gravel roads, so on. What this bill does, it provides uniformity so that the school bus can travel the posted speed limit on the highway or, in some cases, county roads where they are traveling. It came about because of a near accident we had in southwest Nebraska with a school bus being approached from the rear at night going 55 miles an hour on a...what we call a super two-lane highway. And it's, to me, it's a safety matter that we get these school buses up to speed with the flow of the traffic and, thereby, alleviate any future problems like we had out there before with the bus. I would be glad to answer any questions. It's for uniformity of speed for school buses. Doesn't give them any special privileges or anything. They simply can travel the same speed as the traffic around them on whatever particular road they're on. Of course, there's different speed limits. They simply have to adhere to the speed limit on the road which they're traveling. Be glad to answer any questions. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. You've heard the opening on advancement of LB 80. Open for discussion on that motion. Senator Hudkins, followed by Senator Smith. Senator Hudkins.

SENATOR HUDKINS: Thank you, Mr. President. I would like to ask Senator Baker a question, if I may.

SENATOR CUDABACK: Senator Baker, would you yield to a question from Senator Hudkins?

SENATOR BAKER: Yes. Yes, I would.

SENATOR HUDKINS: Senator Baker, you know I'm on the committee and that I did support this to be advanced to the floor. You addressed, rather well I thought, the reason why school bus speed limits are being changed. Would you also go back and give the rationale for the changes for the motorcycles?

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SENATOR BAKER: I tell you, the motorcycle part is just simply modernizing the language. If you'll look at the rest of the bill, it's all in the same Chapter 60-187 (sic). Bill Drafters, when they looked at the speed limits on the buses, decided, I guess, to modernize the language, bring it up to speed. They put some hyphens in some things and did not change...they made it more explicit, I guess. They did not change the requirement of a headlight, capabilities of revealing people at certain distances from a headlight. They left it the same, but they did maybe clarify it. It says, in line 25, "at least." They add an "at least" in there, "300 feet," instead of "300 feet." And, to me, well, there's no substantive changes in this. It simply brings the language up to speed with what you consider modern day motorcycles and what they're capable of doing.

SENATOR HUDKINS: Okay. The language in the bill said they can drive more than 35 if their lights show a certain amount of distance. Well, there is a difference in...length of time that it's going to take to stop between 35 miles and hour and 55, or even 65. Was that not addressed on purpose?

SENATOR BAKER: Well, they didn't change it. If they...if the candle...the light power or candle power of a particular motorcycle does not go at least 300 feet then they can only drive, I think it's, 25 to 35. So there's a...and I'm not sure how relevant this is. We did not have anybody come in on this, as far as motorcycle dealers or manufacturers, but there's a graduated scale of speed limits, depending on the power of the headlight, and it's not just motorcycles but that's, yes, could be, I believe, I looked up the statutes when they were last addressed, it was something to do with agricultural field vehicles, I believe. But there is a graduated speed limit depending upon the candle power or the intensity of the light, a headlight.

SENATOR HUDKINS: All right. Thank you very much.

SENATOR CUDABACK: Thank you, Senator Hudkins. For further discussion, Senator Smith, on LB 80.

SENATOR SMITH: Thank you, Mr. President and members. If

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Senator Baker would yield to a question or two.

SENATOR CUDABACK: Do you yield, Senator Baker?

SENATOR BAKER: Yes, I would.

SENATOR SMITH: I'm sorry if you already covered this. I stepped away. But I just wanted to make sure, what is the consistency then between a typical transportation vehicle in the state compared to the motorcycle?

SENATOR BAKER: Apparently, there isn't consistency. Motorcycles have a different headlight, I want to say candle power, ability to show forth at night, and that's why there's a differential speed limit for those motorcycles with a less-powerful headlight. The automobiles...and it would have been nice, I guess, had we had a motorcycle manufacturer come in on this bill, but it's...really they didn't change anything. But I would think that the new motorcycles probably all adhere to a certain candle power requirement on their headlights.

SENATOR SMITH: And is it your understanding...it is my understanding that motorcycle headlights, for quite some time, are not only mandatory operation during the daytime, unlike a vehicle, but the law does require that a motorcycle's headlight must operate all day, all night, and at a similar candle power to that of a regular vehicle. Is that your understanding?

SENATOR BAKER: That's correct.

SENATOR SMITH: Okay. Thank you, Senator Baker. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Smith. Further discussion, Senator Fischer.

SENATOR FISCHER: Mr. Chairman, members of the body, would the senator yield to a question, please?

SENATOR CUDABACK: Senator Baker, will you yield to a question from Senator Fischer?

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SENATOR BAKER: Yes, I would.

SENATOR FISCHER: Thank you. My understanding is the students are not required to wear seat belts on a school bus. Is that right?

SENATOR BAKER: That's correct.

SENATOR FISCHER: Did the committee address any concerns that were brought up about school buses traveling on the interstate system and going at higher speeds when students are not required to wear seat belts? I know students in our area, we travel huge distances and usually when they're on the interstate, just as school board policy, they drive at a slower rate. Did the committee ever address that?

SENATOR BAKER: We did not address that. We have in the past. The committee has had school bus seat belt proposals in front of it. There's none this session, that I know of. But typically, the National Highway Transportation Safety Board comes back with a recommendation, and we have had this as an issue, that the school buses are compartmentalized and address the issue of lack of seat belts in them, and the committee in the past has always felt that they...that the seat belt issue in school buses is addressed through compartmentalization and side bracing and so on, and that's why no requirement of seat belts in school buses at this time.

SENATOR FISCHER: Thank you.

SENATOR CUDABACK: Thank you, Senator Fischer. Further discussion on advancement of LB 80? Seeing no lights on, Senator Baker, you're recognized to close. He waives closing. The question before the body is advancement of LB 80 to E & R Initial. All those in favor vote aye; opposed, nay. The question before the body is advancement of LB 80 to E & R Initial. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of

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LB 80.

SENATOR CUDABACK: LB 80 does advance. Mr. Clerk, LB 83.

CLERK: LB 83, Mr. President, by Senator Baker. (Read title.)
Bill was introduced on January 6 of this year; referred to
Transportation Committee; advanced to General File. At this
time I have no amendments, Mr. President.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Baker, to open
on LB 83.

SENATOR BAKER: Thank you, Mr. President, members of the body.
The Motor Carrier Safety Act emphasized the adoption of uniform
safety measures and reduction of commercial motor vehicle
accidents, so this, in turn, requires that we update our motor
carrier safety regulations annually in order for the state of
Nebraska to remain consistent in compliance with federal
regulations. That's what LB 83 does. There are two sections of
the bill addressing these issues. The first section is, "the
federal Motor Carrier Safety Regulations, 49 C.F.R., as modified
in this section and any other parts referred to by such parts,
in existence and effective as of January 1, 2005, are adopted as
Nebraska law." That's Section 1, the safety issues. In the
Section 2 on page 5 is the same general wording, only it
addresses the Hazardous Material Regulations. Those are the two
sections to the bill--safety, hazardous materials. We need to
adopt these federal regulations in order to be in compliance,
and there are penalties, I believe, if we don't, as far as
Highway Trust Fund issues. So anyone who wants to look at these
changes, I do have a copy of these safety and hazardous material
regulations, the new ones that we're adopting here. It's very
dry reading. Anybody who'd like to look at them, I have them.
But, with that, I'd be glad to answer any questions. Thank you.

SENATOR CUDABACK: Thank you, Senator Baker. Open for
discussion, advancement of LB 83. Senator Chambers, you're
recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the
Legislature, I'd like to ask Senator Baker a kind of a general

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question.

SENATOR CUDABACK: Senator Baker, would you respond?

SENATOR BAKER: Yes.

SENATOR CHAMBERS: Senator Baker, I was kind of caught flatfooted this morning on your bill because I was looking at something else, but in scanning it, is anything other than a date change actually in LB 83?

SENATOR BAKER: No. It simply refers to the regulations as effective January 1, 2005. That's in two places in the bill.

SENATOR CHAMBERS: Okay. And this has no impact whatsoever on the regulations themselves, but only the date change.

SENATOR BAKER: Well, there are new regulations adopted each year on the federal level, Senator Chambers.

SENATOR CHAMBERS: I'm aware. But as far as the green copy.

SENATOR BAKER: No.

SENATOR CHAMBERS: Okay.

SENATOR BAKER: That's all it does.

SENATOR CHAMBERS: Thank you. That's all, Mr. President, that I have.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Louden.

SENATOR LOUDEN: Thank you, Mr. President and members of the body. This is a bill addressing the hazardous waste and, of course, it's just the date changes and that sort of thing. I think we probably...something that should be considered very carefully on hazardous waste. Whether this bill goes far enough or not, I guess it follows the federal guidelines, but at the present time we are getting quite a little bit of various hazardous waste hauled up and down our interstates. If you're

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driving the interstates, many times you notice semis that are marked carrying hazardous waste and they're just tooling along like any other semi. Part of this is, is I would hope that the drivers of those have the right kind of credentials to do it. Hopefully, when they go through these scales and that sort of thing, these are all checked out and taken care of. I'd like to ask Senator Baker a question, if he would yield, please.

SENATOR CUDABACK: Senator Baker, would you yield to a question from Senator Louden?

SENATOR BAKER: Certainly will.

SENATOR LOUDEN: Senator, do you know if the licensing is checked when these motor carriers go through the scales and when they're stopped for weighing and port of entries and that sort of thing, that they have the right kind of credentials to be...maybe to drive these kind of rigs? Do you have any idea if that is being conducted?

SENATOR BAKER: Yes, they are. They have to be, you know, have...if they're hauling hazardous material, they have to have a hazardous material endorsement on their commercial driver's license. That is checked.

SENATOR LOUDEN: Yeah. Now is that...is that still? I notice in some of our...there's a little folder book, it was passed out to everybody here last year and it's titled "A Planning Guide for Shipping of Radioactive Materials Through the Midwestern States." Are these guidelines being followed by the state of Nebraska and are they being checked by our Patrol and that sort of thing when they come through the state? And are we...do we have people in the county sheriffs in different areas notified if this material is being sent through their area?

SENATOR BAKER: Yes. The answer to your question is, yes. Yes. The reason we're passing this bill, and we have to do it on an annual basis, is to make sure that we are in compliance with those federal regulations so that our carrier enforcement officers out there have the authority to check these people on the updated regulations, whether it's hazardous material or

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safety issues, hours of service, and so on. That is the reason for the bill, that we are able then to enforce the federal regulations as they may be amended each year.

SENATOR LOUDEN: Well, now, will we have to change the date again next year? How come we had to change it last year to this year, I guess? Is this something that's ongoing, or will this be fixed for a number of years now?

SENATOR BAKER: It's going to be an annual bill. We do it every year. I do have a list of the changes here if you're interested. I don't want to start through them on the mike, on your time especially, but they're changed. Those federal regulations are being changed annually and we have to adopt them on an annual basis to be in compliance so that we can enforce them as the state of Nebraska.

SENATOR LOUDEN: Okay, then this is something that we'll probably work on every year, this same type of bill?

SENATOR BAKER: Yes, it is.

SENATOR LOUDEN: Will come out of the Transportation Committee?

SENATOR BAKER: Yes, we do it every year.

SENATOR LOUDEN: Okay. Thank you, Senator Baker. That...Chair.

SENATOR CUDABACK: Thank you, Senator Louden. Further discussion on advancement of LB 83 offered by Senator Baker? Seeing no lights on, Senator Baker, you're recognized to close, if you care to.

SENATOR BAKER: Thank you, Mr. President, very briefly. I appreciate the discussion. And Senator Louden brought up the point, why every year? But that's just it. The regulations change. We have to adopt them as a state so that we can enforce them. And anyone who would care to look at the changes, I have them here. They're pretty dry reading, but there are some changes on some safety requirements and such that we need to adopt. So I urge the...your vote for LB 83. Thank you.

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SENATOR CUDABACK: Thank you, Senator Baker. You've heard the closing on advancement of LB 83. The question before the body is, shall LB 83 advance to E & R Initial? All in favor vote aye; opposed, nay. The question before the body is advancement of LB 83 to E & R Initial. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB 83.

SENATOR CUDABACK: LB 83 does advance. Mr. Clerk, LB 20.

CLERK: LB 20, Mr. President, introduced by Senator Kremer. (Read title.) Bill was introduced on...in January; referred to the Agriculture Committee; advanced to General File.

SENATOR CUDABACK: Thank you, Mr. Clerk. Senator Kremer, you're recognized to open on LB 20.

SENATOR KREMER: Thank you, Mr. President, members of the body. LB 20, as has been stated, deals with feral swine or maybe, as you might recognize, wild pigs a little more. This has become not a great problem in Nebraska, but in the southern states it's become a real problem and there are estimated around 2 million wild pigs in the United States. They do have a...cause a lot of damage. They reproduce rather quickly and expand in their...in the herd, probably more so in the south, where warmer weather. But we've had instances of about three locations in Nebraska where wild pigs have been found, and one of them is close to the Kansas border, thinking that they've probably moved up from the south from Kansas. One is in the area, I think, Palmyra, south of Lincoln somewhere, maybe escaped from a place where they have hunting. And we have passed a bill last year to outlaw game farms from having wild hogs because they do escape and reproduce. Also, they've been known to carry diseases, and many diseases that we've tried to control in our domestic herds, and then the wild pigs, or the feral swine, have been able to proliferate and to spread that, the diseases. So LB 20 clarifies that the duties and liabilities imposed upon landowners and the Nebraska Brand Committee, under the Nebraska

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Brand Law, and the law of estray and trespassing animals do not apply in the case of feral swine. At the present time, we have laws, if they're estray animals, that you have to go through a procedure of trying to notify and find the rightful owner. If you do find them, they have to pay damages or even feed costs that you might have. If you cannot find the rightful owner, then you can sell the animal and...for your benefit. But this removes the feral swine from that procedure. Feral swine are defined as swine that have obviously reverted to a wild state and freely roaming swine having no clear markings or other identification that they have escaped from a managed swine herd. It's inherent that the bill, to remove any ambiguity, whether landowners having feral swine present on their property may have them destroyed or removed with out incurring any liabilities or any...for any person. The bill does not provide that feral swine may...or, the bill does provide that feral swine may be destroyed in accordance with 37-524 of the Nebraska game law. LB 20 was introduced, and it has a companion bill that was introduced in the Natural Resources Committee. The reason that they were introduced in the two committees, LB 20 deals with the brand laws, which goes through the Agriculture Committee; LB 29 deals with Game and Parks, which is over the oversight of the Natural Resources Committee. So I think that explains it from my standpoint. And Senator Schrock has an amendment on which would amend LB 29, which is the same subject, same section and everything. So at this time, I will stop and allow him to introduce his amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Kremer. You've heard the opening on advancement of LB 20. Mr. Clerk, motion on the desk.

CLERK: Mr. President, Senator Schrock would move to amend with AM0028. (Legislative Journal pages 358-359.)

SENATOR CUDABACK: Senator Schrock, you're recognized to open on AM0028.

SENATOR SCHROCK: Mr. President, members of the Legislature, the reason for the introduction of two separate bills was that the Agriculture Committee needed to hear the bill dealing with feral swine and the Natural Resources Committee needed to hear the

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bill dealing with Game and Parks Commission and their ability to destroy the animals. Senator Kremer and I believe the two bills should be combined at this point. Amendment AM0028 contains the same provisions contained in LB 29, as it was amended by the committee. The committee amended the bill to include the emergency clause. The amendment allows the Game and Parks Commission and any of its agents to destroy any feral swine. It also makes the release of feral swine for purposes of sport, pleasure, amusement, or production of a trophy class...of a trophy, a Class II misdemeanor. The penalty for a Class II misdemeanor is six months imprisonment, or \$1,000 fine, or both. I believe Senator Kremer has correctly stated the situation we have in the state of Nebraska. We are an agricultural state. These wild pigs, whether they be domestic pigs that have gotten loose or whether they be the Eurasian boar that is imported in for hunting purposes, are not something we want roaming free in Nebraska. They have become a real pest in southern states and even...and even sometimes can be dangerous. A wild boar is not a critter that you want to mess with. I realize that this probably curtails some hunting opportunities we might have in Nebraska, but if you want to hunt a wild boar, I suggest you go to one of the southern states where they are a pest and they want to get rid of them. So, if you're going to barbecue, you better get your wild boar someplace else, because we don't want them in Nebraska. And thank you, Senator Kremer, for working with me on this issue. And I hope that you will adopt this amendment.

SENATOR CUDABACK: Thank you, Senator Schrock. You've heard the opening on AM0028, offered by Senator Schrock to LB 20. Open for discussion on AM0028. Senator Raikes, followed by Senator Hudkins. Senator Raikes.

SENATOR RAIKES: Thank you, Mr. President, members. I have a question, well, for Senator Kremer. You mentioned disease, and particularly the threat created by one of these wild pigs infecting, I think, a commercial hog herd. What about other animals? For example, there are wild turkeys. Can a wild turkey carry disease that would infect a commercial turkey herd? And if so, are the same procedures in place for turkeys as there are for pigs?

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SENATOR CUDABACK: Senator Kremer, would you yield?

SENATOR KREMER: Yes, I would. You probably should ask that to Senator Schrock, because he's with the Game and Parks part of it. But then, we're only applying this to feral swine. Turkeys are a game bird. And I suppose if it became a fact that they were spreading a lot of diseases, then the Game and Parks or someone that has authority would have to address that separately. But then this is kind of like a noxious weed of animals, because it becomes...they become very much of a nuisance and do lots of damage and kill a lot of wildlife. And so they're...I guess it's two different things really, but then...

SENATOR RAIKES: So am I correct in that the main motivation is the threat of disease to commercial swine herds?

SENATOR KREMER: Well, I don't think that's not necessarily the main thing. They showed some pictures where they've been out in some fields or even in yards, have gone up into town and just rooted up the whole yard and did a lot of damage to crops and other things. So it's probably the whole picture, broader than just the disease, but disease is one facet of it.

SENATOR RAIKES: Well, I interpret your answer then is that we're going to do this one species at a time and right now it's pigs' turn and, if...

SENATOR KREMER: That's true.

SENATOR RAIKES: ...need be, we'll do turkeys later.

SENATOR KREMER: Right. We want to make it very painful.

SENATOR RAIKES: Okay. Thank you.

SENATOR CUDABACK: Thank you, Senator Raikes. Further discussion, Senator Hudkins, on the Schrock amendment, AM0028.

SENATOR HUDKINS: Thank you, Mr. President and members. Senator

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Kremer, I would like to ask a question.

SENATOR CUDABACK: Senator Kremer, would you yield?

SENATOR KREMER: Yes, I would.

SENATOR HUDKINS: Okay, thank you. And I did not hear all of Senator Schrock's amendment. I was otherwise involved. But I wanted to ask you a question. On the committee statement, the last line, it says landowners would be authorized to destroy feral swine, as provided in such-and-such section of the game law. Now, in the bill that we heard in Natural Resources, this question came up, too--are we allowed as landowners to destroy these animals? And they said, well, if you're an authorized agent. So would your bill and Senator Schrock's bill together have that authorized agent language in it?

SENATOR KREMER: Yes, I think so. I think LB 29 does; that our bill really just removes feral swine from the Brand Act, and that's what another answer to maybe Senator Raikes' question is, that turkeys are not designated as animals that apply to that, that, the act, or the brand laws is why we've taken feral swine out and not anything else. But the part of the bill there that preferably that if there's some swine around, you'd go to the Game and Parks, they would authorize different...who could...who could shoot them. But I think you'd still be authorized to shoot it on your own if it was something that was...

SENATOR HUDKINS: Yes. But you should really call Game and Parks, and I asked this question,...

SENATOR KREMER: That's correct.

SENATOR HUDKINS: ...call Game and Parks first and say, you know, you've got--you...

SENATOR KREMER: Right.

SENATOR HUDKINS: ...as the landowner--have a problem, and could we then be the authorized agent for that area. For example, one of the feral swine that was found not too long ago is not very

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far from where we have livestock, and so I went home that night and told my husband, call Game and Parks and get to be an authorized agent, because these critters can be very, very dangerous and very, very destructive. So if you're combining those where we still can destroy the animals, then that's fine.

SENATOR KREMER: That's correct, and the Game and Parks would have that authorization then that you could go to them, hopefully, to kind of coordinate the activities, what it would take to eliminate them. And you could very well be the one that you would be...have authorization to go ahead and destroy them if they were on your property.

SENATOR HUDKINS: Thank you, Senator Kremer, and thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Hudkins. Mr. Clerk, a motion on the desk. Go to one more speaker before we take up the amendment to the amendment. Senator Louden, you're not opening on the...

SENATOR LOUDEN: Thank you, Senator Cudaback and members of the body. I question whether or not we should be amending LB 29 into LB 20. First of all, on LB 20, when you start talking about you're taking feral swine or you're taking what's called feral swine out of the brand laws, I think in there someplace we should have some way or another to judge what's a feral swine, other than to say that it's a pig gone wild. This leaves us wide open for a lot of problems. I could go over there to the neighbor's and probably run over his hog and tell him it was a feral swine; he was out running loose. I think there should be a little bit better description in your brand laws of what is a feral swine and what is...what's just a hog running loose. Right now, it's mostly just by looking at them and then judgment call. And, course, when you get into that, it's whose judgment are you going to use? So in LB 20, Senator Kremer's bill, I don't know if it's gone quite far enough. I would like to have seen it go back to committee and have it worked over so that there's a little bit better description of a feral swine. The next thing we could get into is what are...be feral cattle, and we get back into what's wild and what isn't. Or you can have

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your feral buffalo running loose. Which ones are wild and which ones aren't? And it does make a difference because any of these estray animals, that if they...they're domestic animals, they can be sold and it goes into the school fund, school permanent fund, the proceeds from those. So I think there needs to be some more work done on it. I think it's probably something that has to be done. There are these...starting to be some of these animals show up in Nebraska. They probably have to be controlled, but, at the same time, some of them are pigs that have crossed out from domestic pigs and kind of reverted back to the wild. This isn't something that's new. Back in the country where I come from, when I was a youngster, there was a lot of people that raised hogs and they run loose. They herded them to town and loaded them on railroad cars. So it isn't anything that is new for hogs to run loose. I think, as we work through this, I would like to see something a little bit more clearly defined on what we're going to describe as our feral swine, because we well could be open ourselves up to a lot of litigation in the future for different people having to argue over whose hog is which. When there are these type of animals running loose in the country and someone's domestic pigs get loose, there can be a difference. There aren't that many spotted Poland Chinas anymore, but I think if there were some out there, they could probably pass for feral swine just as easily as some of these that are in the area now. Since it isn't a big problem at the present time, I do think we have time to work on some of this and probably get it right so that we haven't left loopholes in the future for people to have some litigation over and cause problems that doesn't need to happen. With that, I would turn my time back to the Chair. Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. Mr. Clerk, motion on the desk.

CLERK: Mr. President, Senator Louden would move to amend Senator Schrock's amendment with FA1. (Legislative Journal page 359.)

SENATOR CUDABACK: Senator Louden, you're recognized to open on FA1 to AM0028 to LB 20. Senator Louden.

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SENATOR LOUDEN: Thank you, Senator Cudaback and members of the body. I was going to introduce an amendment to Senator Schrock's LB 29. I voted to advance that bill on in the committee and I think it's probably something that has to be addressed, and the purpose of it was, was that when there are feral swine, is how we're going to get rid of them. You can't just grab a load of corn and probably pull them into a yard and load them up and haul them off. So they will have to be hunted and destroyed. I would like to see them, if they are a problem, to be considered like some of the other predators or pests, sort of as coyote, fox and that sort of thing, such as your coyote don't have to have a season on to be hunted for. And that was what my amendment is all about, is to allow any person to destroy and dispose of a feral swine, and the commission also may authorize agents to destroy and dispose of feral swine. I think this would enhance the bill we have there. If there is a problem, it would put it so that people in their own neighborhood could do something about them if they have them in their neighborhood, and I think this is the direction we should go. Some of these problems can be handled locally, rather than hiring some Game Commission people or hiring agents to come in and destroy these animals. We already have predator animal control people in our district out in the western end of the state. The county has to pay for them. At the present time, the state does not fund any money for any type of control like this, so what you're doing is putting this kind of control on to the Game and Parks Commission, and I'm sure they will, if it gets to be a problem, they'll need funding in the future to take care of it. If you consider them just as wild animals that can be destroyed by the public, then this probably would take care of the problem for several years to come. I would like to see my amendment advanced. I think it helps LB 29, which Senator Schrock has turned it over into AM0028. I think it's something that needs to be done. It isn't anything that would destroy the idea of the bill. In fact, it would enhance the beginning of the bill. Whether or not the Game and Parks Commission, their concern was that somebody would use it as sport hunting, but on the other hand if an animal has to be destroyed, I don't know whether you call it sport or what, but it's no different than the coyote predator control programs we have and some of the other control programs we have, whether you're using rabid

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skunks in areas or whether they're down in Omaha worrying about starlings. If there's a problem, they need to be addressed. And I think by adding my amendment to Senator Schrock's AM0028, I think this would enhance the whole thing of it and we could proceed with it and probably would be able to work it over. In the meantime, if the original bill of Senator Kremer's went back to committee and defined what was feral swine a little bit more clearly, I think we could probably come out of here with a piece of legislation that would work and be good to the future and wouldn't be something we'd have to come back and fine-tune a time or two. With that, I turn my time back to the Chair. Thank you, Senator Cudaback.

SENATOR CUDABACK: Thank you, Senator Louden. You've heard the opening on FA1, offered by Senator Louden to the Schrock amendment, AM0028. Open for discussion on the Louden amendment. Senator Janssen, followed by Senators Chambers, Schrock, and Kremer. Senator Janssen.

SENATOR JANSSEN: Thank you, Senator Cudaback. Senator Louden, I have some questions, not on your particular amendment, but I have some for the Chairman of the Natural Resources, Senator Schrock, if he would respond.

SENATOR CUDABACK: Senator Schrock, would you yield to a question?

SENATOR SCHROCK: Yes.

SENATOR JANSSEN: Senator Schrock, I remember, I think it's been a couple of years ago, we had some discussion about a wild game farm, I think it was in southeast Nebraska, that wanted to establish a feral hog hunting area. What ever happened to that bill? Do you remember what I'm talking about?

SENATOR SCHROCK: Yes, I do, Senator Janssen. We did pass legislation prohibiting game farms from importing, reproducing for the purposes of allowing hunting,...

SENATOR JANSSEN: Uh-huh.

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SENATOR SCHROCK: ...for feral swine, Eurasian boars or whatever. So it's illegal to import any type of pork for the purposes of hunting. And this was a controlled shooting area in southeast Nebraska and there was some controversy over that, and we did the best we could to accommodate all concerns. But in the final end, due to the disease problems and the problems that the feral swine present, we passed legislation that is you cannot have feral swine on your property for the purposes of hunting. It's illegal.

SENATOR JANSSEN: All right. Thank you, Senator Schrock. And I could see a concern happening here if we had allowed that to happen. You would have these game farms with...and those hogs, they're almost uncontrollable as far as fencing them and so on, so forth. So thank you for the information, Senator Schrock.

SENATOR CUDABACK: Thank you, Senator Janssen. Senator Chambers, on the Loudon amendment, FA1.

SENATOR CHAMBERS: Mr. President, members of the Legislature, when this bill showed up as a one-liner on the yellow sheet, there was a little blot on the one that I had, and I came here this morning ready to jump Senator Foley the first day of debate if he didn't comment on this bill, and I was going to ask him, isn't he concerned about fetal swine? Then I found out that what looked like a "t" on mine was an "r." It's feral, not fetal. So, Senator Foley, you escaped by the tusk of your snout, or something. But I want to get into this definition that they have here. It says in the green copy, in Senator Schrock's amendment, which Senator Loudon is amending, no matter what is determined as far as that which will be allowed to be done, there should be a very clear designation of the creature who is going to be the beneficiary of all this compassionate human concern. The amendment, the definition says, "Feral swine means swine whose reversion from the domesticated state to a stable condition more or less resembling the wild." "More or less resembling the wild," to me, that makes about as much sense as this prosecutor who couldn't find the murder weapon, so he stood up and said, Your Honor, and he held up a stick, he said, this looks exactly like something similar to what it resembles. So what did he say? A lot of words that don't convey any

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meaning. I would like to ask Senator Schrock a question, since the part I'm looking at goes to language in his bill. Senator Schrock, what is the meaning of the words "more or less resembling"?

SENATOR CUDABACK: Senator Schrock, will you yield?

SENATOR SCHROCK: Senator Chambers, the feral swine, the wild pig, whatever you want to call it, if they are not in a domestic herd, they soon become a wild critter and they take on different appearances. For example, they're probably not going to eat the kind of a ration that a domestic hog will eat. They'll become thinner, they'll become faster on foot, and they will probably...they're a night creature. They'll be around and you won't see them because they don't...they won't do their destructive work in the daytime. And, in talking with the Pork Producers Association and the Game and Parks, they're fairly confident that they have a good definition. That's why it's important to call the Game and Parks if you think you have spotted one of these critters, so they can come out and identify it. I hope that...I hope that helps a little bit.

SENATOR CHAMBERS: Okay. Yes, but not completely. But since I only have five minutes this time, I'm going to move to the next part and then I'll have other opportunities to speak. We go on with the definition, "more or less resembling the wild is apparent." I won't get on "apparent." Then we continue, "or," this means that the critter is not necessarily more or less resembling the wild, "or otherwise freely roaming swine having no visible tags, marking, or characteristics indicating that it is from a domestic herd, and reasonable inquiry within the area does not identify an owner." What does "area" mean? Because here we're talking about swine that don't look like whatever the traditional notion of a wild swine is. We're just talking about freely roaming swine now without any markings of ownership.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: What does "the area" mean, first of all, where this reasonable inquiry has to be undertaken?

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SENATOR SCHROCK: Senator Chambers, I believe most pork producers in this state mark their swine. And I'll be honest with you, we haven't had swine on our farm since the fifties. But they either mark their swine or they notch their ears so there's an apparent...there's...from observing the wild critter, if you can get that good a look at it, you can tell whether it's from a domestic herd or not.

SENATOR CHAMBERS: But there are...

SENATOR SCHROCK: And if it's from a...

SENATOR CHAMBERS: ...there are some free-roaming swine which don't look the wild one. Otherwise, we don't need this definition, because we will...everything that we see that looks wild is all that we're dealing with. So this part of the definition broadens it and takes it away from just physical appearance or even being a night creature. But since my time is probably up, I'll turn my light on and I will stop at this point. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Schrock, on the Loudon amendment.

SENATOR SCHROCK: Senator, Mr. President, Legislature, you never know how long a bill is going to take. I appreciate the concern about this issue. I will oppose Senator Loudon's amendment, but I will tell you this. We do have a definition that is agreeable with the agricultural industry in this state and agreeable to Game and Parks, and I will read it. The definition of a feral swine is a swine whose reversion from the domesticated state to a stable condition more or less resembling the wild is apparent or an otherwise freely roaming swine having no visible tags, markings, or characteristics indicating that it is from a domestic herd, and reasonable inquiry within the area does not identify an owner. And that's why it's important that we don't have the public out there trying to identify what is a free-roaming swine or a feral swine. Let the Game and Parks do it. So we don't want people out there just shooting them, because then it becomes a sport. Most producers nowadays don't have hogs escape very often. If they do, they're very much

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aware of it and can round them up earlier. But a concern we have is...I would like to read to you testimony. Feral swine testing in Georgia from 1991 to 1998 revealed that, out of 1,229 animals tested, 29 carried pseudorabies, and 3.8 percent carried swine brucellosis, both threats to our domestic industry. And the swine brucellosis can be transmitted to people. So, Senator Louden and Senator Chambers, be glad to work with you between now and Select File, should this advance, on the definition, but right now the agricultural community and the Game and Parks is satisfied with the definition. And if you're a farmer or you're out there in rural Nebraska and you know a little bit about these things, when hogs do escape, if they are not contained, they do revert to the wild state, or can, and could be identified, I think, by Game and Parks. So I'm going to oppose, Senator Louden, I'm sorry, I'm going to oppose your amendment and ask that we advance this bill, as amended by AM0028, and I will support Senator Kremer's bill. If I have any time left, I would give it to Senator Kremer.

SENATOR KREMER: Thank you, Senator Schrock.

SENATOR CUDABACK: Senator Kremer.

SENATOR KREMER: I think my light was on next anyway, and I just wanted to also maybe address a couple of concerns of Senator Louden. He has in his amendment that the commission or any person could destroy. The very reason that we have Game and Parks involved is that, if there is swine loose and that you really can't determine if it's...if it's a feral swine or a domesticated swine, that we could have somebody with some expertise be involved in it, and don't want just anybody to be able to go out and shoot them. We're trying to be proactive and not let the swine herd get a foothold in Nebraska, because it's been very destructive in many states. I think the definition of feral swine was taken from definitions of some other states. The question of area, I don't know how you do it any other way. You can't say, within two miles, in three miles or whatever. Everybody, you know, if you're living out there and there's a swine loose, you know that there...if there's a swine herd close to you and whether it's likely to escape, that you would, of course, first of all, try to find out, if you could, if it

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didn't look obviously as a wild pig, that you would check with them first. But I think it's understood and I don't think it's that ambiguous. I don't think there's a need for Senator Louden's amendment. I just think that it's something we need to get started on. And the Game and Parks surely is involved in it. That's why that we want them to be involved, so they could go out and observe and make sure that they are feral swine and have their input into it. Thank you.

SENATOR CUDABACK: Thank you, Senator Kremer. Senator Kremer, your light is next. Did you wish to utilize that? He waives his time. Senator Louden, on your amendment.

SENATOR LOUDEN: Is this to close on it?

SENATOR CUDABACK: No, it's not closing.

SENATOR LOUDEN: Okay. Okay. Well, thank you, Senator Schrock and Senator Kremer. I agree that something has to be done, and I think the bill probably, as written, is a step in the right direction. But I still think that more has to be considered when...before this bill advances to...completely through the process. First of all, we keep talking about a few places, a place by Seward and one southeast Nebraska, where we have feral swine. You want to remember when we pass this law, this includes the entire state of Nebraska. This includes the vast majority of the Sandhills, the Pine Ridge area and that, those whole areas. Now, when you have these hogs out there that run loose, this is where the identification has to come in, is what is going to be a feral swine and what isn't. Sure, the Game and Parks might be the one to identify them, but I tell you what, if those hogs are so running loose in some of that part of the country, the time you get the Game Commission out there and get them found, why, I'm sure they're going to be moved to a different area or they'll be harder to find or something like that. The best thing is sort of like when you find a den of coyotes, you take care of them at the time when you find them. You don't wait for folks to come in from Lincoln or someplace else to make identification. Now, how do you tell if they're feral swine? As probably the only...one of the few senators in here that's ever roped a hog, I probably can vouch for you that

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you get a spotted Poland China and let him run loose for awhile and gets a little bit skinny, I don't know if you can tell him from a feral swine or not from a distance. So I really do think you got to have a better description, because now you're moving into an area where estrays are being used or being classed as a public nuisance, whereas strays are usually rounded up and sold and goes into the school permanent fund, like cattle. For instance, in the cattle, your markings, sure, they're either branded or they're not branded, but if it's a stray, why, everyone knows how they go. We're going to have the same problem eventually with buffalo. There's going to be enough buffalo in the country and there's going to be some of them start running loose, and you're going to come up with the same type of problems as you have with your pigs at the present time. The question is going to be, who owns them and how do you identify what's wild and what's tame? At the present time with your deer and your elk and that sort of thing, if they're inside of a fence and fenced tight then they're probably tame animals; if they're out running loose, the state of Nebraska claims them all. So are we going to do this with the feral swine? And if it is just the Game and Parks are the only ones that can identify them, then we probably don't need to do much about passing any laws for feral swine at the present time. The Game and Parks already has authority to take care of them. So I think we need to have some more work done on this. I think the public needs to be involved with getting rid of them if it is a problem, and I think we want to remember that this law includes the entire state of Nebraska, not just one or two areas in the eastern part of the state. At the present time, there are some huge hog operations out in western Nebraska. Arthur County, for instance, has a hog operation there--a Sandhill community that grows very little grain and that sort of thing, but a big hog operation moved out there so that they could get the water and then they didn't have the population to contend with because they could override the population. So something happens there and some of those hogs run loose, why, you got hogs running loose up through the Sandhills area. This is something that we have to consider, and I don't think the bill completely addresses it. I would, as I said before, I would like to see it...see it, as they go back to committee, after we advance it or something like that, and have it...have the description a

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little bit better. And I think Senator Chambers marked out that...how do we identify the animal here that's the one that's receiving all the attention? It isn't something that he's going to be running around with a sign painted on his side...

SENATOR CUDABACK: One minute.

SENATOR LOUDEN: ...and either the ones that are domesticated or have come from domesticated stock probably aren't have the visible markings either. We go through the whole thing with wild horses. We went through with it with every kind of animal there is. Most of...a lot of the wild horses you see come into these wild horse farms, or feedlots nowadays that they have, like up here by Elm Creek and there, some of them have saddle marks on them, but yet they're classified as wild horses. I think you have the same thing coming on with the hog deal here. I think you're going to have to have a better description of the hogs. Thank you.

SENATOR CUDABACK: Thank you, Senator Louden. Further discussion on FA1 to AM0028, Senator Chambers, followed by Senator Schrock. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I would like to ask Senator Schrock a few more questions.

SENATOR CUDABACK: Senator Schrock, would you yield?

SENATOR SCHROCK: Yes, I will.

SENATOR CHAMBERS: Senator Schrock, feral pigs may not be imported into the state for purposes of hunting. Is that correct?

SENATOR SCHROCK: That is correct, or for...

SENATOR CHAMBERS: May they be...

SENATOR SCHROCK: ...or for any other purpose.

SENATOR CHAMBERS: Or for any other purpose. That was what I

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wanted to get. May a person legally possess a feral pig?

SENATOR SCHROCK: I'd have to double-check, but my recollection is no.

SENATOR CHAMBERS: If a person had a piece of ground and a critter who looks like that picture that Senator Kremer showed me, that picture compared to what we usually think of as a pig would be like the wolfman compared to what we think of as an ordinary human being. This creature has metamorphosed into something else which does have a very distinctive appearance, probably a distinctive gait and, as Senator Schrock pointed out, they are too intelligent to eat the slop that humans feed their domesticated critters, which become more like humans the longer they stay around them. Now, in the story of Dr. Jekyll and Mr. Hyde, Dr. Jekyll was the evil part of Mr. Hyde's personality. But when the pressure was on and there was a risk, Mr. Hyde was better able to function and navigate to a position of safety than was Dr. Jekyll. As Dr. Jekyll became aware of Mr. Hyde, he even recognized this. So I'm kind of analogizing to what I think I heard Senator Schrock say about these critters being more canny or savvy, wily than domesticated pigs. Would that be correct, Senator Schrock?

SENATOR SCHROCK: Senator Chambers, the answer is yes. They become that way.

SENATOR CHAMBERS: So if I happen to have a piece of ground, a farmstead, and this critter got in, but wasn't able to get out, for some reason, could I apprehend that critter if I didn't kill him?

SENATOR SCHROCK: I don't know that I have a real definite answer to that, but I would think you would be able to contain him until the proper authorities could be notified, in this case Game and Parks.

SENATOR CHAMBERS: Okay. That's all I will ask you at this point, Senator Schrock. Although I seem to be on somewhat the same wavelength as Senator Louden, I don't like his amendment because it does put too many people into the business of killing

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these critters when they may not really know whether one is a feral swine, as defined by the statute, or not. I don't want there to be a situation where people at random are out there shooting swine. I don't want them out there shooting anything unless it's for food or for protection of oneself or others. But where Senator Louden and I might be walking a similar path is that this free-roaming swine, which may not look like the "wereswine," I will call him, can be shot if we just let people at random do it. The ones who would be most likely to make inquiry, whatever "the area" means, would be people from Game and Parks.

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: If they are the ones with the primary responsibility, there is less likelihood that strays or nonferal pigs are going to be shot. I still am not sure what the best way is to deal with this matter, but I'm not going to stand in the way of the bill moving forward and I will not try to kill the bill. That's not my intent. I want some things in the record that might give a little guidance and direction, even if the definition is not changed, so that those who are going to operate under this bill will know that they're being observed and, if they don't do it in a way that's satisfactory, then there might be some changes in the law. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Schrock.

SENATOR SCHROCK: Mr. President, members of the Legislature, I just want to go on record asking you to oppose this amendment. I think the amendment we have, the amending, AM0028 I think is appropriate. I don't think the amendment to the amendment is appropriate. We have agreement on this with the Game and Parks. We have agreement on this with the agricultural community. Senator Louden, we don't want people out there shooting hogs if they're not sure what they're shooting at. Not everybody knows what the definition of a feral hog is, and I would dare say, even after today, there's 49 of us in here, you'd probably have 49 different opinions. But Game and Parks will be trained in

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this. Certainly the people in the pork producing industry would be knowledgeable on this and I think they should be the one determining it. And if you want to become an agent, and there's a problem in your area, then I think that's appropriate. But until that identification takes place and until you've had this conversation with the proper authorities, we don't want people out there shooting something they don't know for sure what it is. And so, with that, Senator Louden, I would respectfully oppose your amendment, but I would tell you, if you think a better definition is available, we would have time on Select File, and I'd be glad to sit down with you, the pork producing industry, and Game and Parks to try and establish that. I don't, in my own mind, I don't think that's necessary, but if you think it is and you need to have this satisfied to...before you want to advance the bill to Final Reading, I would sit down with you and do that. These issues were all raised in committee. You heard the testimony. So this was kind of a surprise this morning, but that's okay. We're used to surprises in this body. With that, I give the rest of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Schrock. Senator Louden, and this will be your third time, outside of closing.

SENATOR LOUDEN: Thank you, Senator Cudaback. Well, I agree with Senator Chambers that, until there's more description or a better way to describe what is a feral pig, I question whether we're doing the right thing. If there is a problem, and that seemed to be the reason the bill was brought to us, because there is a problem, then I think you get the public involved. If there isn't that big of a problem out there and the problem is going to be identification and there's not that many to identify, then perhaps we don't need to do much of anything. I think somewhere along the line the identification is the important key to this thing, and right now I haven't seen where there is any identification. Do we have to catch one and do a DNA test on him to find out where he come from, or where do you stop for identification? Do you just take a look at them and they got big tusks? That was a description we got in some of the testimony in...at the hearing. And, of course, any hog that gets to be four or five years old can have big tusks. So

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there's a lot of ways that I don't think the bill goes completely all the way through. When it was a bill from the...when this bill came out of the Natural Resources Committee, it was more or less a Game and Parks bill, and I was probably satisfied with it. When it came out from the Ag Committee and started changing the definition of the swine and mixed up with the livestock deal, then I did have a problem with it and that's where I think there's supposed to be better identification. If we can't identify the things then, no, they shouldn't be shot and hunted. Then we perhaps need to scrap the whole thing for the time being and get something better addressed to it. I...if this was...should have been put together in one bill, then why wasn't it brought as one bill to the floor, rather than it could have been amended together? This is what we have some of these committees around here, to decide what to do with these bills. If there was two like bills coming up, how come one went to Agriculture and one went to Natural Resources? I think somewhere along the line our system hasn't quite handled this correctly and I think, until we decide what is feral swine, I think I'll leave my amendment on there. If there's a problem, then we'll take care of it. If there isn't a problem, then we need to work on the bill some more. Thank you.

SENATOR CUDABACK: Thank you, Senator Loudon. Senator Chambers, to speak on FA1, and this will be your third time, Senator.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, one reason I hesitated to go into what I'm going to talk about now is because Senator Schrock is going to inflict us with a foolish thing to clutter the constitution with a provision to protect hunting, as if it's in danger in Nebraska. But even at the risk of being misunderstood, I'm going to make a few comments. Feral pigs cannot be imported into this state for hunting, but there are certain unscrupulous malefactors who will take domestic...domesticated pigs and take them out and put them in the wild, and they will revert to that more or less wild state. These domesticated critters are not bred to survive on their own in the wild. They are bred for food. The less fat they have, the better. Their skin is not as thick. The wolfman...the "wereswine" has a lot of hair which the one that

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has not turned that way does not have. If there are enough of these critters released into the wild, you may achieve, through indirection, what you cannot achieve directly; that is, you cannot import feral swine for hunting, but you can create enough feral swine so that what, in effect, becomes a hunting season for feral swine can be implemented. And we will have a long step in that direction if we accept Senator Louden's amendment. Any person can go out and kill these animals. There should be nothing in the law that would encourage the production by human beings of feral swine in this state. And I don't know how many litters would have to come into being before they start taking on characteristics that nature might see necessary in order to equip her children, who've been abused by human beings, to survive in a hostile environment. Critters are known to mutate when the conditions under which they live alter, not every...not every individual, but some members of the species. And when there's a genetic mutation, that mutation is passed on because it is one that will ensure survival of the species. So I don't want feral swine to become subjects of general hunting. If they pose a problem, Senator Schrock and Senator Kremer are taking what appears to them to be a reasoned, prudent approach to addressing a problem without allowing any seepage out from the edges that may create a bigger problem than the one that they are attempting to solve. So, at this point, I am going to vote against Senator Louden's amendment. I'm not going to try at this stage to alter anything in the bill by way of amendment. I'm going to talk to Senator Kremer and Senator Schrock as this bill moves forward. Now,...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...I'm not a member of People for the Ethical Treatment of Animals, because I don't join organizations. But I'm very, very grateful that they exist as an organization. They call attention to what happens to these beings who cannot speak for themselves and are often recognized through abuse. And I see a possibility of abusing swine. As dirty and nasty as some people say they are, domesticated swine are what they are because human swineherds are what they are. Thank you, Mr. President.

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SENATOR CUDABACK: Thank you, Senator Chambers. Senator Stuthman.

SENATOR STUTHMAN: Thank you, Mr. Speaker and members of the body. On the initial onset, I felt I wasn't going to debate in this, but I have some concerns. My concerns are, maybe I'm not being sent in the right direction, but I'm concerned, you know, taking the domesticated swine and creating them in a year or two, turning them into the wild, and letting them revert back to being wild. Like Senator Chambers had just spoken, you know, these animals, you know, have never been in the wild. Yes, their ancestors many, many, many, many years ago were in the wild, a certain portion of them. But we have bred and worked with these animals to get them to where they're producing food for the people here in the world, and that is the reason for these pigs. I don't...I think it would be a real disaster if an individual took five or ten pigs out of your nice warm unit, where these pigs are raised, and turned them into the wild and let them fend for themselves. Realistically, I don't think they would hardly survive, but it is a possibility. We had an experience several years ago when there was a flood. Flood went through a hog unit. Pigs were scattered all over. One of the pigs was found on my farm. They only captured it about five months later and they had to catch it in a corral as it was down on a creek bank. That pig was very wild at that time. But I think...I think trying to create something for a sport, since there are not, you know, wild hogs or wild boars around in here, and we don't want any of those wild hogs around here, mainly because of diseases that are possibly transferred. There's no way that we can test these wild animals. You know, are they PRRS negative, PRRS positive? Are they carrying pseudorabies or what is all with these hogs? Because that is a major concern of confinement units and hog producers in the community at the present time. I don't like the fact that if a hog happens to jump out of a trailer on the way to market and it finds its way to an area where it's not very populated and it stays there, and that somebody just goes with groves of people and tries to shoot that animal, you know. I think it should be captured and taken and then processed for food. But I'm a little bit concerned about that also. I would realistically think that if the hog industry or the ones that want to develop the feral swine would

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look more into when pigs fly, because that is when I think we could possibly get that and pigs could fly and they could be hunted. Maybe that would be a time that we could look at this. So I'm real concerned about the direction that we're going, taking these domesticated animals and turning them and reverting them back to the wild just for a sport. With that, I'll return the balance of my time to the Chair.

SENATOR CUDABACK: Thank you, Senator Stuthman. Senator Louden, there are no further lights on. You're recognized to close on FA1, if you care to.

SENATOR LOUDEN: Thank you, Senator Cudaback, members of the body. I think probably Senator Stuthman is probably going in the right direction. When they could fly, when pigs could fly then we could probably identify them, and that's been the problem with the bills here up to now. The feral swine, they call them feral swine. There's no mention about javelinas in here. This is your wild hogs. Feral swine are pigs that have reverted from being domesticated sometime or another, and they're out and have reverted back to the wild. This is...if this is a problem in Nebraska, then let's work at it. And I don't see any problem with allowing the public to take care of this problem. If you have some of them that come onto your property, you should be able to do something about it besides just call on the telephone and hope somebody comes and takes care of it for you. I'm sure if they came onto your property it'd be very hard to corral them or pen them or something like that. So this is something along the line, if there is a problem, then let's figure out a way to address it and take care of it rather than reverting it back to some committee or something like that. If it isn't a problem and it's in a very few limited areas, then leave it like it is and let the Game Commission take care of it for the present time. I think when you mix it up with the Livestock Brand Act, then that's where you're starting to come into a problem. I would have liked to have seen the bills acted on separately because I don't think this feral swine has any place in the Brand Act. I would like to see, if my amendment is voted down, I would like to see Senator Schrock's amendment voted down, and then we could vote on Senator Kremer's bill, whether or not that should be into the

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brand legislation. I don't think we should include feral swine in how we handle our livestock and that sort of thing. Right then, it tries to deal with stray animals in there and I think, when you're talking about feral swine, then you're getting in a borderline between what's domestic and what is wild. I think this type of a situation is where our descriptions aren't quite right. I think we need to reconsider what we're doing here, and I would like to have a vote either way on my amendment. Whether it is, I brought the amendment forwards mostly to point out some of the problems with the livestock part of the bill and also that if there is a problem with Senator Schrock's bill then we can address that separately. But at the present time, if we don't have that much problem with feral swine, I don't think it needs to be in the livestock bill and I think it needs to be, if it's going to be a Game and Parks deal, then I think it should be back on Senator Schrock's AM0028. I don't think the two bills should be combined together. With that, I would ask for a call of the house.

SENATOR CUDABACK: There's been a request for a call of the house. All in favor of the house going under call vote aye; opposed, nay. Record please, Mr. Clerk.

CLERK: 24 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR CUDABACK: The house is under call. All unauthorized personnel please leave the floor. Unexcused senators report to the Chamber. The house is under call. The house is under call. Senator Mines, would you check in, please? Thank you. Senator Kruse, would you check in, please? Senator Engel. Senator Brashear, please. Senator Thompson and Senator Bourne, the house is under call. Senators Bourne, Thompson, Kruse, Engel, Brashear, the house is under call. Senator Engel, the house is under call, and Senator Brashear. Senator Bourne. Senator Engel and Senator Brashear. We haven't located Senator Brashear or Senator Engel. Did you wish to wait, Senator Louden? Senator Brashear is here. Senator Engel is here. All members present or accounted for. How did you wish to proceed, Senator Louden? Roll call vote has been requested. The question before the body is adoption of FA1, which is an amendment to AM0028 to

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LB 20. Mr. Clerk, call the roll on the question, please.

CLERK: (Roll call vote taken, Legislative Journal
pages 359-360.) 1 aye, 38 nays, Mr. President, on the
amendment.

SENATOR CUDABACK: The motion was not successful. The amendment has not been adopted, and I do raise the call. Back to discussion of AM0028, offered by Senator Schrock, which is an amendment to LB 20. Further discussion? Seeing no...Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, now that we're on Senator Schrock's amendment, there will be no confusion between it and what Senator Louden was offering. And I do want to say that my vote against Senator Louden's amendment does not mean that his has no merit whatsoever. I don't think this is an easy, clearly defined issue that we're dealing with, so we have to proceed the best that we can. What is being offered by Senator Schrock's amendment is some new language and it includes a word that is important. The existing law that Senator Schrock is amending says, at 37-524.01, "It shall be illegal to knowingly engage in, sponsor, instigate, assist, or profit from," and this is the new word, "release, killing, wounding, or attempted killing or wounding of animals of the Families," that are here. You need to look that up yourself if you want to see what they are because I don't know if this is like the Hatfields and the McCoys, so I'm going to stay out of that part. But what Senator Schrock's amendment makes clear is that what Senator Stuthman and I had been talking about briefly cannot be done without a penalty attaching. Animals cannot be released to achieve an inappropriate purpose. So I'm going to support Senator Schrock's amendment. I still have difficulty with the definition of feral swine, but I cannot come up with a better definition at this time. But when you have words such as the following, "more or less resembling," every one of those words is subject to interpretation. Senator Schrock assured us, and maybe Senator Kremer echoed that assurance to some extent, that people in the hog industry, people in the area where hog operations exist, will understand this language. The only time a piece of legislation is held to be constitutional by the

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Nebraska Supreme Court, if it deals...is if it deals with a statewide issue. Senator Louden told us that the problem being discussed does not just apply in eastern Nebraska but all over the state, apparently. So that means individuals who may not have anything to do with the raising, feeding, selling of hogs may find a set of circumstances confronting him or her where the language in this law will come into play. A law that creates a punishment or a penalty has to be clearly written so that an ordinary person reading it will know what conduct is allowed and what is not allowed. There has to be a clear line of demarcation between what is prohibited and will cause you to be punished by the state, and what you can do without running the risk of punishment. There are words in this definition which are ambiguous. Senator Kremer says he doesn't think...

SENATOR CUDABACK: One minute.

SENATOR CHAMBERS: ...the bill is ambiguous. If only Senator Kremer and Senator Schrock were the ones that this language would affect, maybe we could say that. But it will apply to any and every person in this state. So I, frankly, don't know what "more or less resembling" means. If I hold up a pop top off a bottle of pop, it more or less resembles a coin. It resembles it less than more, but it does resemble it. It's round, or I can say circular. So there is more that may need to be done, but I'm not going to undertake to do it at this stage. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Chambers. Senator Louden, on the Schrock amendment.

SENATOR LOUDEN: Thank you, Senator Cudaback, and thank the members of the body that voted for my last amendment. (Laughter) This is something that we're getting into that I don't think we want to go there. When you look at LB 29, which is Senator Schrock's amendment, and it spells out how they're going to destroy and what they're going to do about feral swine and that sort of thing, then you turn around and here comes LB 20, Senator Kremer's bill, and your livestock. And this is domesticated cattle and domesticated livestock. There's no question about feral swine in the domesticated livestock part.

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And then feral swine may be destroyed as provided in Section 37-524.01, which goes back to how you're going to be illegal to have them in the Game and Parks bill over here. So I think we're trying to breed some horses to cattle, or vice versa or something here, but I don't think this is the way we need to go about it. I think each bill should stand up on its own and be decided on its own factor. I think Senator Kremer's bill needs to have more definition of a feral swine. I don't think it should be applied to how it's going to be destroyed by the Game and Parks. That's probably one deal. I think the livestock industry should be set aside on how they're going to handle feral swine if they're estrays. Feral swine aren't necessarily completely wild. They could be reverted from domestic not that far back. Senator Stuthman pointed out that some of the hogs they had got loose and it was five months or so. Probably some of the pigs nowadays wouldn't survive in the wild for a length of time, but when I grew up, as a youngster, hogs were raised in the wild where I came from. Like I said before, they were herded into town. I've known people that drove their hogs 25 miles into Ellsworth, loaded them up on railroad cars and shipped them to Omaha. This isn't uncommon for pigs to be free-ranging hogs, as you would say with cattle. When I was a youngster, I raised hogs. We didn't have heated facilities for them. We had old buildings and shacks out there that we threw a pile of hay in for them and they took care of themselves winter and summer. It took real cold weather for hogs to suffer much. They went out in the cold weather just like anything else. So this isn't something that we have a real definition of what a feral swine is. I think some of this needs to be worked on. I would rather see Senator Schrock's bill stand alone. I think I could support it stand alone. As an amendment to Senator Kremer's bill, LB 20, I really don't think the two belong together. Thank you. I'll turn the rest of my time back to the Chair.

SENATOR CUDABACK: Thank you, Senator Loudon. (Visitors introduced.) Senator Brashear, you're recognized to speak.

SPEAKER BRASHEAR: Thank you, Mr. President. Members of the body, I would like to share with you that I have established a priority bill system for the session. It is not what we have

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been used to. It is...you know, it's a relative term, but it is certainly different in some degree. And I'm not going to impose upon your time by describing it here and now. I have, to be distributed on the floor, a three-page letter with a two-page memorandum attached to it that describes the system. I am hopeful that it will meet with your approval and it will benefit our service together. I'm not trying to avoid questions. I did preview it with, and receive input from, the committee Chairs this morning, and I'm now prepared to launch it. After you've had an opportunity to study it and become familiar with it, if you have questions, certainly I'm available, Speaker staff is available, and all of the committee Chairs, I believe, understand it also. So let us know how we can be helpful. But there is...you have time to consider it because there is no race to the courthouse for any purpose and nobody has to get up early in the morning to do anything, or at least not earlier in the morning than we usually do. So I hope it meets with your approval. Thank you for your time.

SENATOR CUDABACK: Thank you, Speaker Brashear. Appreciate the comments. Mr. Clerk, items for the record?

CLERK: Mr. President, thank you. Your Committee on Education, chaired by Senator Raikes, reports LB 198 to General File, LB 199 indefinitely postponed, and LB 418 indefinitely postponed. Business and Labor, chaired by Senator Cunningham, reports LB 10 to General File; LB 236, General File; LB 238, General File; those reports signed by Senator Cunningham. General Affairs reports LB 262 to General File; LB 355, General File; LB 211, General File with amendments; LB 287, General File with amendments; those reports signed by Senator Janssen. I have notice of hearings from the Revenue Committee, signed by Senator Landis, as Chair; a confirmation hearing report from the General Affairs Committee by Senator Janssen. Senator Cornett would move to withdraw LB 707, Mr. President; that will lay over.

Reference Committee will meet upon adjournment in Room 2102; Reference, upon adjournment. And a series of name adds: Senator Mines to LB 69, LB 70; Senator Connealy to LB 101; Senator Schrock to LB 129; Senator Dwite Pedersen, LB 225,

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FLOOR DEBATE

January 25, 2005 LB 226, 260, 273, 414, 481, 676

LB 226; Senator Aguilar, LB 260; Senator Smith, LB 273; Senator Byars, LB 414; Senator Johnson, LB 414; Senator Cornett, LB 481; Senator Erdman, LB 676. (Legislative Journal pages 360-362.)

Mr. President, I have a priority motion. Senator Loudon would move to adjourn until Wednesday morning at 10:00 a.m.

SENATOR CUDABACK: You've heard the motion to adjourn till Wednesday morning, 10:00 a.m. All in favor of the motion to adjourn say aye. Opposed, nay. We are adjourned till tomorrow morning at 10:00 a.m.

Proofed by: AEG